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OFFICE OF PETITIONS

Applicant: Zhou
Appl. No.: 10/040,895
International
Filing Date: December 28, 2001
Title: METHODS FOR PREDICTING FUNCTIONAL AND STRUCTURAL PROPERTIES
OF POLYPEPTIDES USING SEQUENCE MODELS
Attorney Docket No.: 66692-043
Pub. No.: US 2003/0162219 A1
Pub. Date: August 28, 2003

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was received on November 3, 2003.

The request is DISMISSED.

The instant request is that the application be republished because a portion of page 35, pages 36-38, a portion of page 39 and portions of Table 6C are missing from the published application.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable."

A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

Applicant argues that the application should be republished because a portion of page 35, pages 36-38, a portion of page 39 and portions of Table 6C are missing from the published application.

After reviewing the application as filed and its publication it is clear the Office correctly published the application in accordance with 37 CFR 1.215(a). With respect to the asserted missing text, see paragraphs 73-81 of the published application. With respect to the asserted missing portions of Table 6C, see page 61 of the published application.

Applicant is reminded of her duty to conduct a reasonable inquiry before filing a paper before the

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Office. See MPEP 410. Considerable Office resources were spent reviewing the image version of the publication and the text version of the publication on the internal and external data bases with the application as filed to determine whether there was an Office error in the patent application publication based on applicant's assertions of the error.

Applicant's request for a corrected patent application publication on November 3, 2003, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

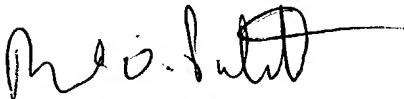
Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and questions should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 703-872-9306

The application will be examined in due course.

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy